

01
02
03
04
05
06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,)
10 Plaintiff,)
11 v.) Case No. CR05-281-JLR-JPD
12 LEONARDO RIVAS-BARROETA,) DETENTION ORDER
13 Defendant.)
14 _____)

15 Offense charged:

16 Conspiracy to distribute methamphetamine, cocaine, and heroin in violation of 21 U.S.C.
17 §§ 841(a)(1), 841(b)(1)(A), and 846.

18 Date of Detention Hearing: July 28, 2005

19 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
20 based upon the factual findings and statement of reasons for detention hereafter set forth, finds:

21 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

22 (1) Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that defendant
23 is a flight risk and a danger to the community based on the nature of the pending charges. No
24 conditions would reasonably assure the presence of defendant at the time of trial, and defendant
25 has not overcome these presumptions.

26 (2) The pretrial services report of July 28, 2005, indicates that defendant was born
in Venezuela, but his immigration status in the United States is unclear.

(3) During defendant's interview by Pretrial Services on July 27, 2005, defendant was asked what he would do if released from custody. The defendant responded that he would take his fiancé to Venezuela.

IT IS THEREFORE ORDERED:

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
 - (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
 - (3) On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
 - (4) The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 28th day of July, 2005.

James P. Donohue
JAMES P. DONOHUE
United States Magistrate Judge